

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TODD CHARLES MCNEEL, NELSON SHIH-HSUN CHEN
and LAWRENCE ALAN GRAHAM

Application No. 09/998,661

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on April 26, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the application indicates that the following sections are missing from the Appeal Brief of November 15, 2004:

1) "Grounds of rejection to be reviewed on appeal" as set forth in 37 CFR § 41.37(c)(1)(vi);

2) "Evidence appendix", as set forth in 37 CFR § 41.37(c)(1)(ix); and

3) "Related proceedings appendix", as set forth in 37 CFR § 41.37(c)(1)(x).

A substitute brief that is in compliance with 37 CFR § 41.37(c) is required. For more information on the Board's new rules see <http://www.uspto.gov>, the web page entitled More Information on the Rules of Practice Before the BPAI, Final Rule at:

<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>.

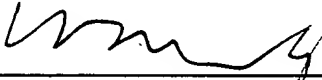
Accordingly it is

ORDERED that the application is returned to the Examiner to:

- 1) hold the Appeal Brief of November 15, 2004 defective;
- 2) for applicant to file a substitute Appeal Brief in compliance with 37 CFR § 41.37;
- 3) for the examiner to consider the substitute Appeal Brief, and if necessary, vacate the Examiner's Answer mailed November 26, 2004, and issue a new Examiner's Answer; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


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